

STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

CORNISH EDUCATION ASSOCIATION, :
 Affiliated with NHEA/NEA :
 AND :
 CORNISH SCHOOL DISTRICT :

CASE NO. T-0222

77-32

APPEARANCES

Representing the Cornish School District:

Robert B. Buckley, Jr., Esq., Counsel; George F. Disnard, Superintendent; Richard Waldo, Assistant Superintendent; Daniel A. Poor, Principal; Michael M. Yatsevich, Chairman; Jill M. Edson and Katherine Kibbie, Cornish School Board.

Representing the Cornish Education Association:

Beverly Widger, President CEA; Lorraine P. Skowronski, CEA; Sally Potter, Project Director, NEA; and John Fessenden, Uni-Serv Director, NHEA/NEA.

FINDINGS

Petition for certification as an existing employee representative under the "Grandfather Clause" of RSA 273-A was filed with PELRB on January 28, 1976 by Barbara J. Yentzer, Project Director, NHEA/NEA with a signed copy attesting that the Education Association had acted as their exclusive representative for negotiations for salary purposes 1975-76 and 1976-77 and stating that the Association had represented them regarding wages and working conditions since 1973.

Upon review, PELRB found insufficient evidence of existing relationship and denied the recognition petition under the "Grandfather Clause".

The Cornish Education Association on January 29, 1976 by its representative, Barbara J. Yentzer, filed a request for appointment of a mediator should the two parties fail to select a mutually acceptable mediator. Request held pending and PELRB on March 17, 1976 advised that negotiations were continuing between the parties and no mediator was desired.

Request for representation election with required number of individual signature cards of employees wishing to be represented by the Cornish Education Association filed with PELRB on February 18, 1976. All parties were notified that pre-election conference would be set as soon as possible; however, because of caseloads it would be later in the year.

On May 2, 1977, PELRB advised the Assistant Superintendent of the pending election request and cited the fifteen-day requirement for filing of exceptions to the proposed unit, in this case, no later than May 17, 1977.

On May 16, 1977, Robert B. Buckley, Jr., Esq., Counsel for the School District, filed exceptions to the proposed unit on the basis that the district did not have ten (10) public employees with the same community of interest as defined by RSA 273-:1 (IX). School Board excepted the inclusion of (a) Part-time Music Teacher, (b) Library Aide, (c) Playground Aide, (d) Bus Aide, (e) Teacher Aide, (f) Clerical Personnel, (g) Nurse and (h) Cafeteria Personnel.

Pre-election conference was held in the Superintendent's Office, Claremont, New Hampshire on May 17, 1977 with Hearing Officer, Richard H. Cummings and PELRB Clerk, Evelyn C. LeBrun.

School District representatives and Cornish Education Association representative agreed to nine (9) certified teachers; however, three (3) positions were still in disagreement. Hearing Officer Cummings after hearing oral arguments from both parties ruled that the positions of Title I teacher, Part-time Music Teacher and Library Aide would be excluded from the proposed unit. The Education Association took exception to the Hearing Officer's ruling and requested a hearing before the full Board.

Hearing was granted and held on June 10, 1977 with Chairman Edward J. Haseltine, Richard H. Cummings and Edward L. Allman present.

The Public Employer, Cornish School District, held that all three positions were temporary in nature, did not afford the same working conditions or benefits as full time teachers and were integrated with the teaching positions only to the extent necessary to be of assistance to the full-time teachers; and, therefore lacked the necessary community of interest.

The Public Employee, Cornish Education Association, argued that the three positions did share a community of interest with the other full-time faculty members and the Title I and the Librarian had the same work day, work year and duties as the classroom teachers and that the Music Teacher position, although now being occupied by a lay person, was budgeted for the coming year and should be included in the proposed unit.

After careful review of all oral and written evidence by the full Board, PELRB rules, as follows:

BOARD DECISION

The evidence indicated that the Librarian conducted workshops, supervised and instructed students in the proper use of the sources available to them in the library, and was in direct contact with the other teaching staff thereby meeting the community of interest criteria.

The Title I Teacher was on temporary status and it was anticipated that the position would not be funded in the coming year or in the future.

The Music position was also found to be temporary, paid on a daily or hourly basis, which position was customarily filled by a member of the community with a musical background and possibly only one day a week.

Therefore,:

The bargaining unit for the Cornish School District will include all full-time teachers and will include the position of librarian. Excluded from the unit will be the Principal, Title I Aide and the Music position.



EDWARD J. HASELTINE, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 30th day of November, 1977